

**REMARKS**

Claims 19, 41 and 42 are amended; and claims 19-42 are pending in the application.

The pending claims stand rejected as being obvious over Raaijmakers (U.S. Patent Number 6,831,315) in combination Kim (U.S. Publication Number 2002/0195683). Applicant has amended independent claims 19, 41 and 42; and believes that such amendments place the remaining pending claims 19-42 in condition for allowance.

The amended independent claims recite capacitor constructions containing: (1) first capacitor electrodes having planar surfaces of conductively-doped silicon; (2) planar second capacitor electrodes over the first capacitor electrode planar surfaces and comprising metals and/or metal compounds; (3) a planar first dielectric layer comprising aluminum oxide; and (4) a planar second dielectric layer comprising a metal oxide other than aluminum oxide. The independent claims further recite that the first dielectric layer is between the second dielectric layer and the conductively-doped silicon; and that the metal oxide of the second dielectric layer is in physical contact with the second capacitor electrode.

The amendments to the independent claims add the limitation that the recited dielectric layers and second capacitor electrodes are planar. Such subject matter is supported by the originally-filed application at, for example, Figure 1 which shows planar dielectric materials 36 and 38, and a planar second electrode containing layers 40 and 42. The amendments to the independent claims therefore do not comprise "new matter".

The amended independent claims are believed allowable over the cited references of Raaijmakers and Kim for least reason that the references do not disclose or suggest the recited stack of planar dielectric layers between the recited planar conductively-doped-silicon surface and the recited planar metal-containing second electrode. Rather, Raaijmakers discloses that various stacks of dielectric layers can be formed over hemispherical grain silicon (HSG) to address specific problems associated with HSG; and Kim shows dielectric material 35 and second capacitor 37 which are rectangular, rather than planar. Thus, a person of ordinary skill in the art looking toward Raaijmakers and Kim would find no disclosure or motivation for incorporating the disclosed materials into constructions containing planar dielectric layers and planar second capacitor electrodes. Accordingly, the combination of Kim and Raaijmakers does not disclose or suggest the subject matter of the amended claims. Amended independent claims 19, 41 and 42 are therefore allowable over Raaijmakers and Kim.

Dependent claims 20-40 depend from claim 19, and are therefore allowable for least the reasons for which claim 19 is allowable, as well as for their own recited features.

Pending claims 19-42 are allowable over the cited references of Raaijmakers and Kim for the reasons discussed above, and applicant therefore respectfully requests that the Examiner's next action be a Notice of Allowance formally allowing claims 19-42.

Respectfully submitted,

Dated: January 5, 2006

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